



SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

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Michael G. Bush
John D. Oglesby
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Terry McNally

Superior Court of California
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301
(661) 868-4934

The proposed amendments to the Superior Court of California, County of Kern, Local Rules of Court for July 1, 2016 are provided for your review at:
www.kern.courts.ca.gov

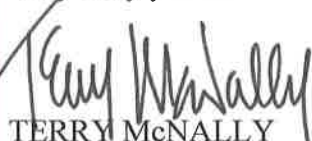
1. Rule 8.1.2.1 Matters Not Ready for Hearing
2. Rule 8.1.4 Matters which are Proper to be Submitted on the Pleadings (PSP)

You may submit your comments by email to: wmadmin@kern.courts.ca.gov or mail your comments to:

Terry McNally, CEO
Superior Court of California
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

All comments must be received by 5:00 p.m. Friday, April 29, 2016.

Very truly yours,


TERRY McNALLY

Local Rules of Court (Distribution for Public Comment)

Per California Rules of Court 10.6.13, the Superior Court of California, County of Kern, is distributing the following proposed amendments to the Local Rules of Court for public comment for the July 2016 cycle. Public comment can be submitted by either mailing your comments to the Court Executive Officer, County of Kern, 1415 Truxtun Ave. Bakersfield, CA 93301 or submitting them via the following email site wmadmin@kern.courts.ca.gov. All submissions must be received by no later than the close of business on April 29, 2016.

Probate Matters

Rule 8.1.2.1 Matters Not Ready for Hearing (Effective 7/1/03; rev. 7/1/09 rev. 1/1/10; rev. 1/1/13)

- (a) All matters set for hearing are reviewed in advance by the probate examiner's office. Examiner's notes ~~are posted under "Tentative Rulings"~~ (also known as "Probate Notes") **are posted** on the Kern County Superior Court website **as a "Comment" on each hearing**. Any documents submitted to resolve examiner's notes shall be filed by 9:00 a.m. two court days prior to the hearing date, or they may not be considered by the court and the matter may be continued. (Effective 1/1/13)
- (b) On the call of the calendar, matters not ready for hearing normally will be dropped from calendar. A matter is considered not ready for hearing if notices, supplements, proofs of service, or other documentation curing all discrepancies other than strictly court determined matters are not filed prior to 9:00 a.m. at least two (2) court days before the hearing. (Effective 7/1/03; rev. 1/1/10; rev. 1/1/13)

Revised version

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Rule 8.1.4 Matters ~~W~~hich are Proper to be Submitted on the Pleadings (PSP) (Effective 1/1/12; rev. 7/1/15)

- (a) All matters set for hearing are reviewed in advance by the probate examiner's office. Examiner's notes ~~are posted under "Tentative Rulings"~~ (also known as "Probate Notes") **are posted** on the Kern County Superior Court website **as a "Comment" on each hearing**. Any documents submitted to resolve examiner's notes shall be filed by 9:00 a.m. two court days prior to the hearing date, or they may not be considered by the court and the matter may be continued. (Effective 1/1/12)
- (b) Appearances are required on all petitions for appointment of conservators and guardians, confirmation of sale of real or personal property, approval of extraordinary fees, spousal property petitions, ex parte applications/petitions and any petition to which objection has been filed. For all other matters, if the matter is submitted properly, if all procedural requirements have been satisfied, and if the matter does not require discretionary consideration by the Probate Judicial Officer, the matter will be noted by the probate examiner's office as "proper to be submitted on the pleadings" (PSP), and a court appearance will not be necessary. (Effective 1/1/12)
- (c) Special Procedural Requirements for PSP matters: A proposed Order shall be submitted concurrently with the petition. The Notice of Hearing (JC Form DE-120) or Notice to Administer Estate (JC Form DE-121) for all matters submitted as PSP shall include the following legend in at least 10 point capitalized bold, highlighted, or different-colored font: (Effective 1/1/12) **1. THIS MATTER IS SUBMITTED AS "PROPER TO BE SUBMITTED ON THE PLEADINGS (PSP)." ALL MATTERS APPROVED AS PSP WILL BE GRANTED UNLESS YOU APPEAR AT THE HEARING AND OBJECT WHEN THE PSP CALENDAR IS CALLED.**
- (d) Matters proper to be submitted on the pleadings are called by the court as a group at the time set for hearing. If there are no objections and no objectors present, and if the Probate Judicial Officer approves the petition without any additional requirement, the Order will be signed. If someone appears at the hearing to object, or if the Probate Judicial Officer does not approve the petition, a new hearing date will be set and a copy of the minute order will be mailed by the clerk to petitioner's counsel or petitioner in pro per. (Effective 1/1/12; rev. 7/1/15)
- (e) In the event an objection or attempted objection is made on the hearing date, but after the Order is signed, the Judicial Officer has the discretion to set aside such Order. (Effective 1/1/12)

Revised version

Rule 8.1.4 Matters which are Proper to be Submitted on the Pleadings (PSP) (Effective 1/1/12; rev. 7/1/15)

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